

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

NILDA RIOS RIVERA

DEBTOR

CASE NO 19-04116 MCF

CHAPTER 7

**DEBTOR'S REPLY MOTION TO DISMISS FOR FAILURE TO MAKE POST  
PETITION PAYMENTS PURSUANT TO 1307C(4), DOCKET NO. 39**

TO THE HONORABLE COURT:

**COMES NOW, NILDA RIOS RIVERA**, the Debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. Asociación de Residentes de Paseos del Rio, Inc. ("Creditor") filed a *Motion to Dismiss for Failure to Make Post Petition Payments Pursuant to 1307C(4)*, Docket No. 39, stating that the Debtor has failed to make current payments to the Creditor (HOA payments) and, thus, pursuant to Section 1307 (c)(4) of the Bankruptcy Code, 11 U.S.C. Section 1307 (c)(4), a dismissal of the present case is warranted.

2. The Debtor hereby replies to Creditor's motion requesting dismissal stating that the present case was originally filed as a case under Chapter 13, 11 U.S.C. Sections 1301, *et seq.*, and that upon the Debtor's request (Docket No. 27) the case was converted from a case under Chapter 13 to a case under Chapter 7, 11 U.S.C. Sections 701, *et seq.*, Docket No. 31.

3. The Debtor respectfully states that the Creditor's request that the present Chapter 7 case be dismissed on the grounds that the Debtor has failed to maintain current HOA payments required under 11 U.S.C. Section 1307 (c)(4), is unwarranted. *See*: Rule 9011 of the Federal Rules of bankruptcy Procedure.

4. Based on the aforementioned, the Debtor respectfully requests this Honorable Court deny Creditor's *Motion to Dismiss for Failure to Make Post Petition Payments Pursuant to 1307C4*, Docket No. 39, since having the case being converted to a case under Chapter 7, the motion for dismissal is "moot".

**WHEREFORE** the Debtor respectfully prays that Creditor's motion requesting dismissal, docket no. 39, be denied.

**I HEREBY CERTIFY** that on this same date a copy of this notice was sent via electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the Chapter 7 Trustee; to Asociacion de Residentes de Paseos del Rio, Inc., through its Counsel Hector L Claudio, Esq., and also certify that I have mailed by United States Postal Service copy of this motion to the following non-participant: the Debtor, Nilda Rios Rivera, Urb Paseos del Rio 269 14<sup>th</sup> Street Caguas PR 00725, in the above captioned case.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 04<sup>th</sup> day of January, 2021.

/s/ **Roberto Figueroa Carrasquillo**  
USDC #203614  
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